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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/009,385

07/05/2002

Andreas Stiegler

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04/01/2009

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SPRINGFIELD, MA 01115

EXAMINER

NEWLIN, TIMOTHY R

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

04/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/009,385 | <b>Applicant(s)</b><br>STIEGLER ET AL. |  |
|                              | <b>Examiner</b><br>Timothy R. Newlin | <b>Art Unit</b><br>2424                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Stiegler is disqualified as prior art under 35 USC 103(c).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edens et al., US 6,611,537.

Regarding claim 1, Edens teaches a local network having a ring network configuration with a plurality of devices each connected within the ring network by a data line to transmit and receive data therebetween, the local network comprising:

a first device configured as a data source that transmits compressed audio and video data onto the ring network [e.g. DVD player or DSS receiver, col. 58, 37-53];

a second device that receives decompressed audio data [**e.g. speakers 167, 168, 153, 156**];

a third device that receives decompressed video data [**e.g. TV 165, Fig. 1**],

a fourth device that includes

(i) a bit stream decoder that decodes the compressed audio and video data and provides decompressed audio and video data [**decoder 161, Fig. 1, col. 14, l. 10; also see decoder 3814, col. 102-103, ll. 56-14; Fig. 21(o)**];

(ii) a separation stage that receives the decompressed audio and video data and separates the decompressed audio and video data to provide the decompressed audio data signal and the decompressed video data signal [**audio is “extracted”, i.e. separated, from video that is displayed on TV 155 or 165, col. 14, 7-19; also see, e.g., Fig. 21(o)**]; and

(iii) a control unit [**system command stream processor, Fig. 14(a), serves as control unit, cols. 71-74**] that controls the transmission of the decompressed audio data signal and the decompressed video data signal onto the ring network [**decompressed audio is transmitted back onto network, col. 14, 11-19; col. 31, 38-42; video can also be retransmitted to the ring network, col. 58, 38-42; also see col. 103, 34-37**].

where the second, third and fourth devices each comprise a data sink and the second, third and fourth devices are separate from each other and connected within the ring network by the data line [**the devices in Edens are logically and physically separate, and are all connected to the ring network data line 120, Fig. 1**].

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Examiner notes that a data “sink” is typically defined as a node or device that has incoming branches/data *only*. However, the claim defines the fourth device as a sink, and the fourth device not only receives but *transmits* data as well. So for purposes of examination, the term “sink” may refer to any device that receives data, whether or not the device also transmits data.

While the claim recites “subscribers” rather than devices, the term is broadly construed to mean “devices connected (i.e. subscribing) to a data distribution service”, such as that disclosed in Edens. There is no requirement that the subscribers are in separate homes or are in fact different people. Moreover, the claim recites that a subscriber comprises a data sink, which supports the interpretation that a subscriber is equivalent to an individual device. Therefore, although Edens refers to a network within a single home, the concept is the same in that multiple devices are connected via the ring network. Accordingly, Edens teaches claim 1.

Regarding claim 17, Edens teaches a local network having a ring network configuration with a plurality of subscribers each connected within the ring network by an optical data line **[e.g. RJ-11 telephone line, col. 13, 41-45]** to transmit and receive data therebetween, the local network comprising:

a first subscriber configured as a data source that transmits compressed audio and video data onto the ring network **[e.g. DVD player or DSS receiver, col. 58, 37-53];**

a second subscriber that receives the transmitted compressed audio and video data, where the second subscriber includes a separation stage that separates the compressed audio and video data to provide a decompressed audio data signal and a decompressed video data signal, and a control unit that controls the transmission of the compressed audio data signal and the compressed video data signal onto the ring network **[audio is “extracted”, i.e. separated, from video that is displayed on TV 155 or 165, col. 14, 7-19; also see, e.g., Fig. 21(o)]**;

a third subscriber that receives the compressed audio data signal, where the third subscriber includes an audio bit stream decoder that decodes the compressed audio data signal and provides decompressed audio data, and a unit that reproduces the decompressed audio data **[col. 94, 14-25]**; and

a fourth subscriber that receives the compressed video data signal, where the fourth subscriber includes a video audio bit stream decoder that decodes the compressed video data signal and provides decompressed video data **[e.g. decoder 161 or 151]**, and a unit that reproduces the decompressed video data **[e.g., TVs 165 or 155]**.

While the separator stage in Edens does split the signal into an audio and a video component, it does so via the MPEG decoder and so the resulting output is decompressed. However, it would be obvious to one of ordinary skill that the decoding stage could be omitted in order to output separate, compressed audio and video streams. Edens itself discusses “removing” MPEG decoders in order to maintain

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compressed signals to accommodate devices configured to receive and decode compressed data **[col. 9, 45-54]**.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

TRN

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